Application Serial No. 09/894,257
Attorney Docket No. 60027.0007US01/BS00344
Amendment & Response

REMARKS

This Amendment is in response to the Office Action dated February 7, 2006. Claims 1-23 were examined in the Office Action. Claims 1-23 were rejected. Claims 14-16 and 23 have been canceled and new claims 24-27 have been added. Examination and reconsideration based on this Amendment and the following remarks are respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boloker et al., U.S. Publication No. 2002/0194388, published December 19, 2002 (hereinafter Boloker) in view of Lewontin, U.S. Publication No. 2002/0087596, published July 4, 2002 (hereinafter "Lewontin"), and further in view of Bernhart et al., U.S. Patent No. 6,493,558 (hereinafter Bernhart). Applicants respectfully traverse this rejection because the cite references alone or in combination to not teach or suggest each and every feature of independent claims 1, 11, and 20.

Claim 1 recites a Wireless Application Protocol (WAP) system for delivering voice-based content to a user of a wireless device. The WAP Server is operative to: receive a voice-based content request from the wireless device; and send instructions to a Voice Portal Node to establish a connection between the wireless device and the Voice Portal Node, in response to receiving the voice-based content request. The Voice Portal Node comprises an out-bound dialing module operative to initiate a wireless telephone call to the wireless device, in response to receiving the instructions from the WAP server, to establish a connection between the wireless device and the Voice Portal Node. The WAP Server is further operative to provide the voice-based content to the wireless device over the connection.

The Office Action acknowledges that Boloker is missing a WAP server operative to receive a voice-based content request, send instructions to a Voice Portal Node, and provide content to the wireless device. Thus, Boloker does not teach, suggest, or describe each of the features specified in claim 1. The Office Action relies on Lewontin and Bernhart to resolve the deficiencies of Boloker by stating that Lewontin discloses portal nodes that are operative to place a telephone call to the wireless device in response to receiving instructions from the WAP server and that Bernhart discloses an outbound dialing module. Applicants respectfully disagree and assert and assert that 103 and 104 of Lewontin are not portal nodes operative to place a telephone

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call to a wireless device. In fact, neither of the cited "portal nodes" 103 or 104 of Lewontin are operative to place a call to the wireless device in response to WAP Server instructions as stated in the Office Action. There is no path for 103 or 104 to call the wireless device 101. (See Fig. 1 and paragraph 25 of Lewotin).

Further, the Office Action asserts that it would have been obvious to use the dialer of Bernhart to initiate a push of Boloker and that the motivation would be to use a known method of connecting to the desired mobile device. Applicants respectfully disagree and submit that modification of Boloker with Bernhart changes the principle of operation for Boloker and Bernhart. Thus, the teachings of the references are not sufficient to render claim 1 prima facie obvious. At least because Bernhart is requires strict association with SMS text messaging protocol and does not contemplate providing voice-based content, modifying Boloker with a dialer that only contemplates SMS text conversion would require a substantial reconstruction and redesign of elements in Boloker and a change in the basic multiple modality principle under which Boloker was designed. (See Bernhart abstract and column 2, lines 37-55). (See Boloker abstract, paragraphs 76 and 82). Thus, there is no suggestion or motivation to make the proposed modification. (See MPEP 2143.01). Therefore, Boloker, even in view of Lewontin and Bernhart does not teach or suggest claim 1 and is allowable over the cited references.

Dependent Claims

For at least the reasons given above, Applicants respectfully submit that claim 1 is allowable over Boloker in view of Lewontin and/or Bernhart. Since claims 2-10, 21-22, 24 and 25 depend from claim 1 and recite further claim features, the claims are also allowable for at least these reasons. Independent claims 11 and 20 recite similar features as claim 1 and are thus allowable over Boloker in view of Lewontin and/or Bernhart for at least the same reasons. Claims 12-13, and 17-19 and 26 depend from claim 11 and recite further claim features. Claim 27 depends from claim 20 and recites further claim features. Therefore, these claims are also allowable for at least these reasons. Thus, it is respectfully submitted that the rejection of claims 1-23 should be withdrawn.

New Claims

New claims 24-27 have been added to provide claims of varying scope than those initially filed. For instance, none of the references cited disclose a Voice Portal Node as a

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gateway between a wireless service provider network and a TCP/IP based Internet as recited in new claim 25.
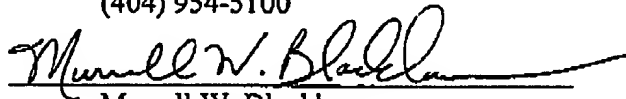
CONCLUSION

In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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